1966. No. 287 [NC]

SUPREME COURT, NORTHERN IRELAND PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (No. 5) 1966

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 7 of the Northern Ireland Act 1962(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1. Immediately after Order XLIC of the Rules of the Supreme Court (Northern Ireland) 1936(b) there shall be inserted the Order XLID set out in the Schedule hereto.

2. In Order LXA, which relates to the jurisdiction of registrars, rule 1(1) shall be amended by the insertion immediately after item (XI) of the following item—

"(XIA) applications under Order XLID (registration of maintenance orders)".

3. In Order LXIV, which relates to time, for rule 4 there shall be substituted the following rule:—

"**4.** Every pleading, including a petition in a matrimonial cause or matter, may be amended or delivered during the Long Vacation."

4. In Order LXX, which relates to matrimonial causes and matters, for rule 26 there shall be substituted the following rule:—

"**26.**—(1) Subject to the provisions of the Act of 1939 and to this rule, the witnesses at the trial or hearing of any matrimonial cause shall be examined orally and in open Court.

(2) A Judge or Registrar may—

(*a*) subject to the provisions of paragraph (3), order that any particular facts to be specified in the order may be proved by affidavit;

(*b*) order that the affidavit of any witness may be read at the trial or hearing on such conditions as the Judge or Registrar may think reasonable;

(*c*) order that evidence of any particular facts to be specified in the order shall be given at the trial or hearing by statement on oath of information and belief or by production of documents or entries in books or by copies of documents or entries or otherwise as the Judge or Registrar may direct; and

(*d*) order that not more than a specified number of expert witnesses may be called.

(3) Where it appears to the Judge or Registrar that any party reasonably desires the production of a witness for cross-examination and that such witness can be produced, an order shall not be made authorising the

(a) 10 & 11 Eliz. 2, c. 30. (b) S.R. & O. 1936, No. 70 (II, p. 2559).

evidence of such witness to be given by affidavit but the expenses of such witness at the trial shall be specially reserved.

(4) An application to a Judge or Registrar for an order under paragraph (2) shall, if no appearance has been entered in the cause or if the petitioner and every party who has entered an appearance consents to the order, be made ex parte after first lodging with the Registrar a statement of facts verified by affidavit setting out the grounds of the application two clear days before the application is made.

(5) Any party may apply to a Judge for the appointment of an examiner or for a commission or for letters of request to examine a party or witness in any cause and for leave to give the depositions taken on the examination in evidence at the trial or hearing, and the provisions of rules 6 to 25 (inclusive) of Order XXXVII of the Rules of the Supreme Court shall apply to the examination.

(6) The Registrar may, upon the hearing of any application to which this rule relates, adjourn the same to be heard by a Judge.

(7) Nothing in any order made by a Judge or Registrar under this rule shall affect the power of the Judge at the trial or hearing to refuse to admit evidence tendered in accordance with any such order or to require a witness to be examined orally in open Court, if he should think it just to do so."

5. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 5) 1966 and shall come into force on 2nd January 1967.

Dated 12th December 1966.

Signed: *MacDermott*
L. E. Curran
H. A. McVeigh
E. W. Jones
A. McGonigal
Leonard I. G. Fox
James J. Napier

SCHEDULE Rule 1

Order to be inserted after Order XLIC of the Rules of the Supreme Court

ORDER XLID

Registration and Variation of certain Maintenance Orders under the Maintenance and Affiliation Orders Act (Northern Ireland) 1966

Interpretation and Application

1.—(1) In this Order unless the context otherwise requires—

"the Act" means the Maintenance and Affiliation Orders Act (Northern Ireland) 1966(**a**).

"maintenance order" has the meaning assigned to it by section 10(2) of the Act.

"proper officer" means—

(*a*) in the case of an order made under an enactment mentioned in

(**a**) 1966, c. 35 (N.I.).